REMARKS

Claims 1-12 are pending. By this response, claim 1 is amended and claims 7-12 are added. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

In the Office Action, the Examiner rejects claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Link (U.S. Patent No. 5,184,303) and claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over Link in view of Herbst, et al. (U.S. Patent No. 6,321,161). These rejections are respectfully traversed.

Link discloses a route planning system which calculates a desired route between a starting location and a destination location. In the system of Link, the route is preselected prior to the trip that the driver is taking. Within the system of Link, a navigation computer provides the various features for entering the trip data. Included in the navigation system are system detour, driver detour and trip detour options (see Fig. 1). The trip detour feature allows for storage or detour information for a particular trip which is traveled many times and thus the driver does not have to re-enter the trip information each time he travels the same route. The driver detour feature allows for a particular driver to enter detour information on routes or sections of routes which he desires not to travel on. Finally, the system detour allows for entry of any other detour information along any section of roadway. The detour information is programmed prior to calculating a desired route. When a driver desires to travel a certain route, he enters the start location

and the destination location and based on the already pre-programmed detour location retrieves an optimal route.

Nowhere in the system of Link does it determine an optimal route and after determining the optimal route provide a list of guide points on that route and allow the user to select particular by-pass segments of the route based on the guide points. Further, nowhere in Link does it teach or suggest calculation of a new optimal route after selection of by-pass segments.

Therefore, Link fails to teach or suggest a list display means which lists and displays guide points on the route searched by the route searching means...a receiving means, upon designating at least two guide points, receives a by-pass setting for a section connecting the at least two guide points when the list display means lists and display the guide points on the route, as recited in claim 1. Thus, Link fails to teach each and every aspect of the claimed invention as required under a 35 U.S.C. §102 rejection. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejections are respectfully requested.

Also, Herbst, et al. in combination with Link fail to teach the claimed invention. In the system of Herbst, a route is calculated and then broken down into segments based on geographic data representative of roadways, intersections, etc. Upon commencement of travel down the determined route, at the end of each segment the system within Herbst provides a deviation evaluation and provides this information on deviating from the obtained route to the user. The system of Herbst also can provide alternatives from the determined route at features node

points, which are locations at the end of each segment, on the determined route. Thus, a system of Herbst provides route deviation information based on a segment by segment basis. The system of Herbst does not provide a list of guide points and enabled the user to select between one or more of those guide points and recalculate a new route based on the bypass information provided by the user.

Even if the segments within Herbst system can be considered guide points, which applicants contend they cannot, Herbst's system still only searches alternative routes for a single point and not for one or more bypass guide points.

Thus, in view of the above comments in regard to Link and Herbst, reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-7 are distinguishable over the cited patents. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)